

## Message Text

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ORIGIN OES-03

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66011  
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R 151600Z DEC 76  
FM SECSTATE WASHDC  
TO AMEMBASSY SOFIA  
AMEMBASSY OTTAWA  
AMEMBASSY COPENHAGEN  
AMEMBASSY PARIS  
AMEMBASSY BERLIN  
AMEMBASSY BONN  
AMEMBASSY REYKJAVIK  
AMEMBASSY ROME  
AMEMBASSY TOKYO  
AMEMBASSY OSLO  
AMEMBASSY WARSAW  
AMEMBASSY LISBON  
AMEMBASSY BUCHAREST  
AMEMBASSY MADRID  
AMEMBASSY MOSCOW  
AMEMBASSY LONDON  
USMISSION EC BRUSSELS

C O N F I D E N T I A L STATE 303764

FOL REPEAT MADRID 09318 ACTION SECSTATE DTD 10 DEC.

QUOTE

C O N F I D E N T I A L SECTION 1 OF 2 MADRID 9318

FOR OES AMBASSADOR IRVING AND OES/OFA MR. BUSBY

E.O. 11652: GDS  
TAGS: EFIS, ICNAF  
SUBJECT: ICNAF CONCLUDES NINTH SPECIAL MEETING

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1. SUMMARY. ICNAF CONCLUDED THE SPECIAL SESSION EVENING  
OF DECEMBER NINTH. DECISIONS TAKEN IN COURSE OF THE MEET-  
ING ON ALL SUBJECT REFLECT ACCEPTANCE BY ICNAF MEMBERS  
OF COASTAL STATE JURISDICTION. DETAILS ON ISSUES WHICH

U.S. BROUGHT TO MEETING FOLLOW. INDUSTRY ADVISEROS, WHO HAVE FROM THE OUTSET NOT ACCEPTED POSITIONS TAKEN BY U.S. DEL AND DISAGREED THAT SPECIAL MEETING DECISIONS CONSTITUTE POSITIVE ACHIEVEMENT, ARE RETURNING TO THE UNITED STATES TO MAKE SURE THAT THEIR VIEWS ARE EXPRESSED IN WASHINGTON WHEN A DECISION IS MADE ON THE FUTURE OF ICNAF. CONSIDERING THAT EACH AGENCY SECTION OF U.S. DEL MAY WISH TO MAKE ITS OWN REPORT WITHIN ITS OWN AGENCY, THIS MESSAGE IS INTENDED ONLY AS A REPORT ON WHAT HAPPENED, TAKING INTO ACCOUNT THE SPECIAL PROBLEMS THE U.S. WANTED TO ADDRESS AT THIS SESSION. END SUMMARY.

2. FUTURE OF ICNAF. WE HAVE ALREADY REPORTED BY SEPARATE CABLE THE RECOMMENDATION TO GOVERNMENTS THAT APPROPRIATE ARTICLES OF THE CONVENTION BE AMENDED TO EXCLUDE AREAS OF NATIONAL FISHERY JURISDICTION FROM THE COMPETENCE OF THE CONVENTION. WHEN ACCEPTED BY THREE-FOURTHS OF THE MEMBER GOVERNMENTS, AND FOLLOWING A PERIOD OF 120 DAYS THEREAFTER, THE CONVENTION EFFECTIVELY WILL HAVE BEEN RENEGOTIATED TO CONFORM TO THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976. CONCERNING A NEW INSTITUTION AND ITS NEGOTIATION, AS WE HAVE REPORTED, THE COMMISSION RECOMMENDED THAT STEPS BE TAKEN TO PURSUE NEW ARRANGEMENTS BEGINNING IN EARLY 1977

2. ENFORCEMENT AND REGISTRATION PERMITS. THE COMMISSION VOTE ON AMENDING THE CONVENTION, THE DECISIONS ON ACTUAL ALLOCATIONS REPORTED BELOW, AND THE STATEMENTS OF DELEGATES THROUGHOUT, MADE CLEAR THE ACCEPTANCE OF COASTAL STATE ENFORCEMENT, AND COASTAL STATE REGULATIONS, FOLLOWING THE COMING INTO FORCE OF COASTAL STATE JURISDICTION. (ONLY JAPAN FORMALLY RESERVED ON PRINCIPLE, AND THAT AT THE BEGINNING) COMBINED WITH GIFAS ALREADY NEGOTIATED AND THE RESPONSES WE HAVE TO DATE REGARDING REGISTRATION PERMITS, WE BELIEVE IT CLEAR THE QUESTION HAS BEEN RESOLVED. THE COMPLEXITY CONFIDENTIAL

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OF THE DISCUSSIONS OF THE MANAGEMENT PROPOSALS OF THE UNITED STATES WERE SUCH AS TO REQUIRE US TO INDICATE, ON SEVERAL OCCASIONS, HOW WE INTENDED TO ENFORCE THE USE OF ICNAF REGULATIONS PURSUANT TO 204C, OUR DESIRE TO PLACE OBSERVERS ON BOARD, ETC. THERE WAS ACQUIESCENCE ON EVERY POINT. TO BE SURE, WE DO NOT HAVE AN EXPLICIT ICNAF REGULATION FOR 1977 SAYING THEY MUST ACCEPT U.S. REGISTRATION PERMITS AND WE DO NOT HAVE EXPLICIT ICNAF REGULATIONS TELLING US TO ENFORCE, BUT ALL OF THE ELEMENTS ARE IN PLACE. THE GENERAL TENOR: THERE WAS NO DOUBT IN ANY MEMBER'S MIND AS TO CONDITIONS PREREQUISITE TO CONTINUED U.S. PARTICIPATION IN ICNAF IN 1977 AND, AND ALL THINGS CONSIDERED, DESPITE FACT THAT NO PRECISE ICNAF REGULATION HAS BEEN ADOPTED WHICH SPEAKS TO THE ISSUE OF U.S. ENFORCEMENT

OR REGISTRATION PERMITS, THERE IS NO DOUBT REMAINING THAT THIS IS GENERALLY UNDERSTOOD AND ACCEPTED.

3. OBSERVERS -- IMPOSITION OF OTHER CONDITIONS AFTER MARCH 1. WE DID NOT FIND IT NECESSARY TO MAKE A STRONG POINT OF THIS. MOST OF THE NATIONS INVITED US, FOR EXAMPLE, TO PLACE OBSERVERS ON BOARD THEIR SHIPS SO THAT THEY COULD PROVE TO US THAT THEY WERE ATTEMPTING TO CONFORM. (THE PROBLEM IS THE PROGRAM IS JUST GETTING STARTED, AND IF WE REMAIN IN ICNAF THE FUNDING WOULD HAVE TO BE BY THE UNITED STATES.) IN ADDITION, COUNTRIES WE THOUGHT MIGHT BE RESISTANT TO MANAGEMENT CHANGES AFTER MARCH 1, ACTIVELY SOUGHT THEM AS THEY FEARED THAT THE "WINDOWS" MIGHT IN FACT TURN OUT TO BE CLOSED DOORS ONCE THEY HAD INITIATED THEIR FISHERIES. WE FOUND THAT HAVING SAID WE RESERVED THE RIGHT TO MAKE CHANGES AFTER MARCH 1, IF NECESSARY, IN A MANNER CONSISTENT WITH THE DECISIONS TAKEN IN ICNAF, THAT WE DO NOT KNOW, AT THIS TIME, WHAT THE MACHINERY FOR ACCOMPLISHING CHANGE WOULD BE. TAKING INTO ACCOUNT AGAIN THE TENOR OF THIS MEETING, WE WOULD SEE NO PROBLEM WITH THE UNITED STATES MAKING CHANGES PROVIDED IT DID NOT AFFECT ALLOCATIONS OR MOVE IN A NEGATIVE RATHER THAN A POSITIVE DIRECTION.

4. THE OTHER OBJECTIVES OF THE US PARTICIPATION WERE THE CONFIDENTIAL

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ACHIEVEMENT OF THE CONDITIONS WHICH RELATE TO RESOURCE MANAGEMENT. WE MUST CAUTION THAT THE US DELEGATION LEADERSHIP CHOSE TO FOLLOW THE RECOMMENDATIONS OF THE US SCIENTISTS IN THEIR ICNAF CAPACITY RATHER THAN THE RECOMMENDATIONS IN THE PRELIMINARY MANAGEMENT PLANS NOW BEFORE THE REGIONAL COUNCILS OF NEW ENGLAND AND MID-ATLANTIC. FOR EXAMPLE, THE US PROPOSAL ON MACKEREL WAS NOT THE 55,000 TON QUOTA, NO DIRECTED FISHERY, PROPOSAL OF THE PMP, BUT RATHER WAS THE 105,000-133,000 TON DIRECTED FISHERY PROPOSAL OF THE ICNAF SCIENTIFIC COMMUNITY. THE US PRESENTED A PROPOSAL FOR A 105,000 TON QUOTA, REPRESENTING AN APPROXIMATELY 60 PCT REDUCTION FROM 1976, WHEN TRANSLATED INTO ALLOCATIONS FOR SOME COUNTRIES THIS MEANT AS MUCH AS AN 80 PCT REDUCTION FOR CERTAIN FISHERIES. THE PROPOSAL WAS ACCEPTED WITH ONLY A FOOTNOTE FROM THE USSR THAT ITS SILENCE SHOULD NOT BE TAKEN AS CONSENT.

5. HERRING, USSR POSITION ON MACKEREL SHOULD NOT BE SEEN, HOWEVER, AS A RESERVATION TO WHAT US WAS ATTEMPTING TO ACCOMPLISH AS RESPONSE TO US HERRING PROPOSALS DEMONSTRATED. PRELIMINARY MANAGEMENT PLAN RECOMMENDS 33,000 TON TOTAL ALLOWABLE CATCH FOR HERRING RESERVING 18,000 TONS FOR THE US (WHICH CAUGHT 731 TO DATE IN 1976) AND 5,000 FOR CANADA WITH ALL OF THE REST RESERVED FOR CATCHES INCIDENTAL TO OTHER FISHERIES. US DEL PRO-

POSAL HELD TO THE 33,000 TONS BUT DIVIDED IT 12,000 FOR THE US  
1,000 FOR CANADA AND FROM THE REMAINDER FORGED DIRECTED FISHERIES  
FOR THE FRG (4,725 TONS) THE GDR  
(4,825) POLAND (5,100), FRANCE (1,000) AND THE USSR (3,400).  
THE SOVIET UNION, WHICH CONSIDERS ITSELF THE PRE-EMINENT TRADITIONAL  
FISHERY, SAID IT BELIEVED THE US WAS ATTEMPTING TO ACCOMPLISH  
OTHER OBJECTIVES THROUGH THE MANNER OF ITS ALLOCATION  
AND THEN AGREED TO THE PROPOSAL.

6. SQUID. SQUID HAS BEEN A PARTICULAR PROBLEM  
WITH JAPAN, ITALY AND SPAIN SINCE THE JUNE 1976  
MEETING. US DEL DECIDED NOT TO REOPEN THE SQUID  
DECISIONS OF JUNE 1976. IN ORDER NOT TO REOPEN DECISIONS ON  
OTHER FISHERIES, BUT DID VOLUNTEER AN INDICATIVE  
PROJECTION OF HOW THE SQUID COULD BE REALLOCATED AT THE JUNE  
1977 MEETING OF ICNAF IN THE EVENT THE US DID NOT TAKE THE  
ALLOCATION IT HAD RESERVED TO ITSELF (36,500 TONS OF SQUID  
AGAINST A PREVIOUS CATCH RECORD IN THE NEIGHBORHOOD OF 2,000  
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TONS ANNUALLY.)  
THE RESULTING PROJECTED REALLOCATION, IN WHICH OUR OBJECTIVE  
WAS THE ACCOMMODATION OF SOME OF THOSE COUNTRIES WHO HAD BEEN  
LEFT OUT PREVIOUSLY, GAVE SUBSTANTIAL SQUID FISHERIES TO  
ITALY, SPAIN, AND JAPAN. THOSE PROJECTIONS HAVE BEEN  
ENTERED IN TO THE ICNAF RECORD AND STEPS TAKEN TO ENSURE THAT  
IF THE US IS IN ICNAF FOR THE JUNE 1977 MEETING, A REALLOCATION  
AT THAT TIME, PURSUANT TO THE GUIDELINES DEVELOPED HERE, WILL  
COME INTO FORCE IMMEDIATELY. THE THREE DELEGATIONS IN PARTI-  
CULAR WERE APPRECIATIVE OF THE US EFFORT AND SAW IT AS EVIDENCE  
OF THE BONAFIDES OF US MANAGEMENT OF ITS RESOURCES. THE  
COMMISSION PASSED ITS RESOLUTION, LOOKING FORWARD TO THE JUNE  
1977 MEETING.

7. THE MANAGEMENT REGIME. NEW ENGLAND FISHERY MANAGEMENT  
OFFICIALS, AND NOW THE NEW ENGLAND REGIONAL COUNCIL, HAVE  
HOPED FOR YEARS TO INSTITUTE A MANAGEMENT TECHNIQUE KNOWN  
AS THE WINDOW APPROACH, THAT IS, THE DEFINITION OF PRECISE  
AREAS, TIMES AND GEAR FOR THE FISHING OF ALLOCATIONS  
GRANTED DISTANT WATER FISHERMAN. THIS APPROACH IS NOT USED  
ANYWHERE ELSE IN THE WORLD, ALTHOUGH SOME EUROPEANS TOLD  
US PRIVATELY IT REMINDED THEM OF THE FAMOUS "BANDS"  
OF THE EC. WE HAVE HAD DIFFICULTY GAINING ACCEPTANCE  
OF THE CONCEPT, WHICH WAS FLATLY REJECTED AS RECENTLY AS  
JUNE. THE WINDOWS OF THE PRELIMINARY MANAGEMENT PLANS WERE  
NOT ACCEPTED, BUT ALL OF THE ICNAF NATIONS  
(EXCEPT CANADA, WHICH WAS NOT DIRECTLY INVOLVED) MADE  
CLEAR THEY THOUGHT IT USELESS TO CONTINUE TO ARGUE  
WITH THE US AND AT THE SUGGESTION OF SEVERAL DELEGATIONS,  
ALL PREVIOUS POSITIONS WERE ABANDONED AND NEGOTIATIONS ENTERED  
INTO ON THE DESIGN OF THE WINDOWS FOR 1977. THOSE NEGOTIATIONS  
WERE SUCCESSFUL AND EACH FISHERY IN THE US ZONE NOW HAS AN

ASSOCIATED WINDOW. THEY ARE NOT  
THOSE IN THE PRELIMINARY MANAGEMENT PLANS BUT DISTANT WATER  
DELEGATIONS PRESENTED CONVINCING EVIDENCE THAT THOSE WINDOWS  
DID NOT PERMIT THE TAKING OF THE ALLOCATIONS AND THEY WERE  
ADJUSTED TO ACCOMMODATE THEIR INTERESTS AND OURS TO THE  
EXTENT IT WAS POSSIBLE TO DO SO, ALL OF THE WINDOWS WERE APPROVED.

8. ON OUR RETURN WE WILL HAVE AVAILABLE AN ANALYSIS  
OF THE TOTAL OF THE FISHERY DECISIONS. ON A PRELIMINARY  
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BASIS WE HAVE DETERMINED THAT THE EFFECT ON FOREIGN  
FISHING IS AN AVERAGE REDUCTION OF 30 PCT AND IN SOME  
FISHERIES IT RUNS AS HIGH AS 80 PCT. IN OTHER RESOURCES, IN  
SOME CASES, SLIGHT GAINS WERE POSSIBLE.

9. WE HAVE NOT SENT THIS CABLE TO OTHER ICNAF CAPITALS.  
DEPT. SHOULD REPEAT AS APPROPRIATE. STABLER

UNQUOTE KISSINGER

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COPENHAGEN  
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BERLIN  
BONN

REYKJAVIK  
ROME  
TOKYO  
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